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**ATTORNEYS FOR DEFENDANTS/  
UNITED STATES OF AMERICA**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION**

**AMERICAN CIVIL LIBERTIES  
UNION, AMERICAN CIVIL  
LIBERTIES UNION FOUNDATION,  
and AMERICAN CIVIL LIBERTIES  
UNION OF MONTANA  
FOUNDATION, INC.,**

**Plaintiffs,**

**vs.**

**DEPARTMENT OF DEFENSE,  
DEPARTMENT OF HOMELAND  
SECURITY, DEPARTMENT OF  
THE INTERIOR, and  
DEPARTMENT OF JUSTICE,**

**Defendants.**

**CV 18-154-M-DWM**

**STIPULATION TO DISMISSAL**

IT IS HEREBY STIPULATED AND AGREED, by and between the parties, as follows:

1. Defendants have provided Plaintiffs with a final determination and documents responsive to Plaintiffs' request under the Freedom of Information Act (the "Request"). Therefore, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), the parties hereby stipulate to the dismissal with prejudice of all claims in Plaintiffs' Complaint on the following terms.

2. Defendants agree to pay Plaintiffs the sum total of sixty thousand dollars (\$60,000.00) in attorneys' fees and litigation costs, pursuant to 5 U.S.C. § 552(a)(4)(E), which sum Plaintiffs agree to accept as full payment of any attorneys' fees and costs Plaintiffs have incurred or will incur in this action for services performed up to the date of this Stipulation.

3. Plaintiffs release and discharge Defendants and the United States of America from any and all claims and causes of action that Plaintiffs asserted or could have asserted in this litigation arising out of the Request.

4. This payment does not constitute acknowledgment by Defendants that Plaintiffs are entitled to compensation for fees or costs, or are entitled to compensation at any particular rate, in connection with this matter.

5. Defendants agree to submit all necessary paperwork for the \$60,000.00 payment described in Para. 2 to the appropriate office within thirty (30) calendar

days after this Stipulation of Dismissal is filed with the U.S. District Court for the District of Montana, and after receiving all information from Plaintiffs necessary for preparing this paperwork. Defendants shall endeavor to deliver payment to Plaintiffs' counsel promptly thereafter. The parties request that the Court retain jurisdiction solely for the purposes of enforcing Para. 4.

6. This Stipulation contains the entire agreement between the parties, and no statement, representation, promise, or agreement, oral or otherwise, between the parties or their counsel that is not included herein shall have any force or effect.

**DATED** this 17<sup>th</sup> day of January, 2020.

KURT G. ALME

United States Attorney

/s/ Mark Steger Smith

Mark Steger Smith

Victoria L. Francis

Assistant U.S. Attorneys

*Attorneys for Defendants*

/s/ Emerson Sykes

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